IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO. 851 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Shri P.S. Dani for the appellant.
Shri J.J. Xavier for the B.M.C.

CORAM: P.V. KAKADE, J.

DATED: 30TH SEPT., 2004

P.C.:

1. After hearing both parties for some time, it is found that the notice of motion is required to be heard on merits finally. Hence the matter is referred back to the learned Trial Judge for adjudication of the notice of motion expeditiously on merits after giving opportunity to both parties to lead evidence, if any. The notice of motion be decided within three months from the date of receipt of this order. In the meantime, notice dated 17.7.2004 and order dated 8.9.2004 are kept in abeyance.

With these directions, the appeal stands disposed of with no order as to costs.

C. c. expedited.

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